

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

**RICHARD FERREIRA,**  
**Plaintiff,**

**v.**

**C.A. No.: 07-CV-12134-GAO**

**CITY OF FALL RIVER; EDWARD M. LAMBERT, JR., individually and in his official capacity as Mayor of the City of Fall River; JOHN M. SOUZA, individually and in his official capacity as Chief of Police of the City of Fall River Police Department; JAMES ELUMBA; MANUEL BERNARDO; ANDREW CROOK; JAY HUARD; PAUL GAUVIN; JOHN DOE AND RICHARD ROE, police officers of the City of Fall River, the identity and number of whom is presently unknown, Defendants.**

---

**JOINT MOTION TO CONTINUE INITIAL SCHEDULING CONFERENCE**

Now come the Plaintiff, Richard Ferreira, and Defendants Manuel Bernardo, Andrew Crook, Jay Huard and Paul Gauvin (collectively referred to as "the parties"), by and through their undersigned counsel, and hereby respectfully request that this Court continue the initial scheduling conference now set for January 8, 2008. As grounds for this request, the parties state the following:

1. This is an action, advanced against the municipal Defendant and several named and unnamed municipal officials and law enforcement officers, alleging various federal and state theories of liability arising out of two arrests of the Plaintiff. This action was commenced by means of the filing of a complaint on November 14, 2007.

2. Shortly thereafter, on November 27, 2007, this Court issued a notice, setting the initial scheduling conference in this matter for January 8, 2008.

3. Based upon the returns filed with this Court, it appears that service of process was attempted on the various defending parties on December 14, 2007 and December 17, 2007. *See* Docket Entry No. 4 (entered December 27, 2007).

4. On January 4, 2008, counsel from Reardon, Joyce & Akerson, P.C. filed notices of appearance on behalf of Defendants Manuel Bernardo, Andrew Crook, Jay Huard and Paul Gauvin.

5. All defending parties to this matter, including the municipal Defendant, also will be represented by the Office of the Corporation Counsel for the City of Fall River, who anticipates that a notice of appearance reflecting such representation soon will be filed with this Court.

6. Defense counsel also anticipates that responses to the complaint, on behalf of all of the Defendants, will be filed with this Court shortly.

7. Given this sequence of events, and the current status of this litigation, counsel, including defense counsel who has not appeared at present, have conferred and, with this motion, request that the initial scheduling conference now set for January 8, 2008, be continued to a date convenient for the Court and the various parties.

8. Counsel also have conferred with regard to a proposed date for this conference, and respectfully suggest that the matter be scheduled for February 11, 2008 or February 13, 2008.

Respectfully submitted,

Plaintiff Richard Ferreira,  
By his counsel,

Respectfully submitted,  
Manuel Bernardo, Andrew Crook,  
Jay Huard and Paul Gauvin,  
By their attorneys,

/s/ David J. Gerwatowski  
David J. Gerwatowski  
BBO #: 651334  
The Gerwatowski Law Office  
442 County Street  
New Bedford, Massachusetts 02740  
508.999.4420

/s/ Andrew J. Gambaccini  
Andrew J. Gambaccini  
BBO #: 654690  
Reardon, Joyce & Akerson, P.C.  
397 Grove Street  
Worcester, Massachusetts 01605  
508.754.7285

Dated: January 7, 2008

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing Joint Motion to Continue Scheduling Conference, filed through the Electronic Case Filing System, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing and that a paper copy will be served upon those identified as non-registered participants on January 7, 2008.

/s/ Andrew J. Gambaccini